

RENTON CITY COUNCIL
Regular Meeting

August 21, 2000
Monday, 7:30 p.m.

Council Chambers
Municipal Building

MINUTES

CALL TO ORDER

Mayor Jesse Tanner led the Pledge of Allegiance to the flag and called the meeting of the Renton City Council to order.

**ROLL CALL OF
COUNCILMEMBERS**

RANDY CORMAN, Council President; TONY NELSON; KATHY KEOLKER-WHEELER; DON PERSSON; KING PARKER; TIMOTHY SCHLITZER.

MOVED BY SCHLITZER, SECONDED BY CORMAN, COUNCIL EXCUSE ABSENT COUNCILMAN DAN CLAWSON. CARRIED.

**CITY STAFF IN
ATTENDANCE**

JESSE TANNER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; MARILYN PETERSEN, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; SUE CARLSON, Economic Development Administrator; BETTY NOKES, Economic Development Director; MIKE WEBBY, Human Resources Administrator; SYLVIA ALLEN, Parks Director; DEREK TODD, Assistant to the CAO; JULIE BREWER, Community Relations Manager; SONJA MEJLAENDER, Community Relations Specialist; DON ERICKSON, Senior Planner; ABDOUL GAFOUR, Water Utility Supervisor; COMMANDER KEVIN MILOSEVICH, Police Department.

PRESS

Robert Teodosio, *Renton Reporter*

**APPROVAL OF
COUNCIL MINUTES**

MOVED BY CORMAN, SECONDED BY SCHLITZER, COUNCIL APPROVE THE MINUTES OF AUGUST 14, 2000, AS PRESENTED. CARRIED.

SPECIAL PRESENTATION
Community Event: 2000
Renton River Days Wrap-up

Mayor Tanner presented Sonja Mejlaender, Community Relations Specialist, with a certificate of appreciation for her efforts and service in coordinating Renton River Days.

Sonja Mejlaender, introduced Tim Searing, Festival Chairman. Mr. Searing reported on the 2000 Renton River Days community festival, held during the week of July 25th through July 30th. He detailed the number of hours committee members and volunteers spent on organizing and conducting the festival, which drew over 45,000 attendees. Mr. Searing acknowledged the contributions made by First Savings Bank of Renton, Renton Assembly Church, Joyful Noise Kids, and the many other organizations. He described two new attractions to the festival, a shuttle, which provided transportation to the various events, and a trout pond. Concluding, Mr. Searing thanked the City for its support and assistance.

PUBLIC HEARING
Planning: Merlino Prezone,
MLK Jr. Way (SR-900) & S
140th St

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Tanner opened the public hearing to consider the Merlino prezone of the 17.54 acre site to Residential Multi-family designation, and development agreement; property located south of SR-900, west of Sunpointe Townhomes, southeast of Empire Estates, and north of the Burlington Northern Santa Fe Railroad right-of-way.

Don Erickson, Senior Planner, explained that the public hearing consists of two parts. Beginning with the Merlino prezone, Mr. Erickson described the 17.54

acre area to be rezoned. He summarized events leading up to the prezone hearing which have included: the first prezone public hearing held on May 3rd before the Planning Commission; the 10% Notice of Intent to Annex Petition Public Hearing held on May 22; the 60% Notice of Intent to Annex Petition Public Hearing held on July 10; and approval of map amendments by the Council on August 7th, changing the Comprehensive Plan land use designation from Employment Area-Commercial (EA-C) to Residential Multi-family Infill (RM-I). Mr. Erickson said the recommendation is to prezone the 17.54 acres to the RM-I Zone which is consistent with the recently adopted RM-I Comprehensive Plan land use designation for this area.

Continuing, Mr. Erickson reported on the second part of the public hearing, the development agreement. Mr. Erickson detailed the basic provisions of the development agreement which include:

- Applies to recent Comprehensive Land Use Amendment for 26.01 acres of RM-I designation.
- Restricts maximum number of units to 260.
- Requires a minimum 100-foot setback for residential and/or recreational buildings from BNSF Railroad right-of-way.
- Requires construction of 6-foot high fence along the south side of the 26.01-acre site.
- The agreement runs in perpetuity with property unless amended or rescinded by City Council.
- Undeveloped portions of the site would be evaluated periodically, but not less than every 10 years.
- Provisions of the development agreement can be amended in the future.
- Permits and approvals must be consistent with the provision of the development agreement.

Mr. Erickson pointed out that future reviews such as the SEPA review at the project level and the Site Plan Review before the Hearing Examiner will affect project outcome. He concluded by saying the City Attorney is currently reviewing the development agreement.

Responding to Councilmember Keolker-Wheeler's inquiry regarding the process to amend the development agreement, Mr. Erickson explained that as conditions change over time, the parties can request a change to the agreement, however; final approval rests with the Council. Larry Warren, City Attorney, stressed that the agreement is not yet final as he is waiting for staff comments. He estimated that it will take two weeks to make any appropriate changes prior to forwarding it to Council for review.

Public comment was invited.

Tom Malphrus, 18713 102nd Ave. SE, Renton, 98055, representing Friends of the Black River, submitted a letter on behalf of Suzanne Krom, noting that she is not a member of Friends of the Black River. Mr. Malphrus reported that his organization has supported the Merlino prezone from the start, but did recommend the inclusion of a development agreement. Stating that Friends of the Black River has never opposed a development in the City, he explained it has

only sought mitigations. Mr. Malphrus requested that an additional provision be added to the development agreement: that no development occur

within 300 feet of the Category 1 Wetland open water pond located on the southeast portion of the property as the pond is being used as a foraging area for the Black River Heron.

David Halinen, 10500 NE 8th St., Suite 1900, Bellevue, 98004, referred to the development agreement provision regarding the fence to be constructed along the entire south boundary and clarified that the fence would actually extend along the length of the development. He requested that any amendments to the development agreement be made with the mutual consent of all parties. In response to the Friends of the Black River's request for a 300-foot setback from the pond, Mr. Halinen stated that there is no factual material in the record which would support adding this provision to the development agreement. He felt that such a request would be more appropriate during the project review process.

Jerry Holmes, 408 Index Pl. NE, Renton, 98056, stated that Friends of the Black River does not oppose this prezone request. Mr. Holmes also pointed out that the Friends of the Black River did not oppose the Black River Corporate Park development, however; the organization did ask for a seasonal ban on construction during the heron nesting season. Commenting that it would be prudent to establish a similar seasonal construction restriction on this project, he requested that such a provision be included in the development agreement.

Steve Eastman, 317 Powell Ave. SW, Renton, 98055, stated that he has lived across from the subject project for 56 years. He asked if the status of the Beacon Coal Mine has been investigated, and requested that the City find out if the opening to the mine has been closed. Mayor Tanner said that the matter will be looked into.

Theresa Henson, PO Box 7208, Tacoma, 98206, said she is familiar with the heron rookery and described her input in establishing the seasonal construction restrictions for the Black River Corporate Park project. She advised that the proposed development is outside the 1200-foot designated for seasonal restrictions by the City and commented that she has personally been throughout the subject site and has not seen any evidence of coal mine tailings or collapsed areas which would indicate coal mine regions.

MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.

Councilmembers Keolker-Wheeler and Persson expressed their concerns with going forward with the prezone without the development agreement.

Responding to Mayor Tanner, City Attorney Warren stated that final Council action will not be required for some time. He pointed out that several steps remain with this process, including approval of the development agreement, the annexation ordinance and the rezone ordinance.

MOVED BY KEOLKER-WHEELER, SECONDED BY SCHLITZER, COUNCIL ACCEPT THE PREZONE AS PROPOSED BY STAFF CONTINGENT UPON ACCEPTABILITY OF THE DEVELOPMENT AGREEMENT. CARRIED.

ADMINISTRATIVE

Chief Administrative Officer Jay Covington reviewed a written administrative

REPORT

report summarizing the City's recent progress towards goals and work programs adopted as part of its business plan for 2000 and beyond. Items noted included:

- ✱ The Valley Communications Center is breaking ground for a new facility on Wednesday, August 23rd at 2:00 p.m. at 27519 108th Ave. SE. Valley-Com is the South King County's regional 911 response point for police, fire, and medical dispatch communication.
- ✱ The street overlay project for the year 2000 is ahead of schedule and substantially complete.
- ✱ Nineteen participants completed their first Renton Youth Symphony Orchestra summer camp with a performance at Carco Theatre last Friday.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing.

CRT: 00-007, Barbee Forest Products v Renton

Court Case filed by Ladd Leavens of Davis Wright Tremaine, Attorneys, representing Barbee Forest Products, Inc., alleging that no emergency existed sufficient to justify adoption of Ordinance No. 4850 on 7/24/00 since it affected a single entity, that the City exercised improper police power by adoption of Ordinances No. 4802 and 4850, that the effect of the ordinances represents an unconstitutional taking, and the ordinances are vague and violate substantive due process. Refer to City Attorney and Insurance Services.

CRT: 00-008, Lester & Beverly Roberts v Renton

Court Case filed by Curman Sebree, 1191 2nd Ave., Suite 1800, Seattle, 98101, representing Lester and Beverly Roberts, alleging that the City and Bonita Butenko have dated a campaign of harassment, intimidation, and discrimination against Lester Roberts during his employment with the City since 1991, and created a hostile racial work environment. Refer to City Attorney and Insurance Services.

Parks: Skateboard Park Interactive Art, 1% for Art Fund

Community Services Department requested authorization to use \$13,200 from Fund 125 (1% for Art Fund) to fund interactive art at the planned skateboard park. Refer to Finance Committee.

Finance: Signatures for Banking Transactions

Finance and Information Services Department recommended approval of a resolution updating signature authorities for depositories and electronic fund transfers for the City, due to personnel changes. Council concur. (See page 305 for resolution.)

Finance: Bad Debt Write-off

Finance and Information Services Department requested approval to write off bad debts in the amount of \$2,206.93 for non-sufficient funds checks and \$3,837.25 for unrecoverable accounts receivables. Refer to Finance Committee.

Plat: Kennewick, Dedication of ROW for NE 29th St, SHP-00-066

Development Services Division recommended acceptance of an additional dedication of right-of-way for NE 29th St. to fulfill a requirement of the Kennewick Short Plat (SHP-00-066). Council concur.

CAG: 00-123, Lake Wash Blvd/Burnett Ave N Storm System

Utility Systems Division recommended authorization to award the Lake Washington Blvd./Burnett Ave. N. Storm System Project contract to the lowest responsive bidder after the bid opening scheduled on 8/22/00, in order to avoid a delay in the construction schedule due to cancellation of the 8/28/00 and 9/4/00 City Council meetings. Council concur.

CAG: 00-119, Highlands

City Clerk reported bid opening on 8/16/00 for CAG-00-119, Highlands

Neighborhood Walkways &
Curb Ramps, GMT Inc

Neighborhood Walkways and Curb Ramps; project estimate \$299,929.16; and submitted staff recommendation to award the contract to the low bidder, GMT, Inc., in the amount of \$293,903.50. Council concur.

MOVED BY CORMAN, SECONDED BY SCHLITZER, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. MOTION CARRIED.

CORRESPONDENCE

Public Works: Garbage Cans
Blocking Sidewalks

Councilmember Keolker-Wheeler referred to a letter from Mike Shane, 513 Cedar Ave. S., Renton, 98055, in which he expressed concern about garbage cans blocking sidewalks and inquired whether this violates ADA regulations. Ms. Keolker-Wheeler requested that an insert be included in utility bills asking residents not to block sidewalks with garbage cans.

OLD BUSINESS

Committee of the Whole
Development Services: Main
Ave S Parking Structure,
Stonefield Development Co

Council President Corman presented a report regarding the Main Street parking garage. The Committee recommended the following:

- Authorize the Mayor to proceed with the negotiations to develop a lease and/or other documents to transfer the development and use rights of the City's parking lot to Stonefield Development Company for a new combination public/private parking structure for the City Center Building.
- The lease will be structured based on a letter of intent and presented to Council for review prior to execution.

MOVED BY CORMAN, SECONDED BY SCHLITZER, COUNCIL CONCUR IN THE COMMITTEE REPORT.*

Councilmember Keolker-Wheeler expressed her concerns regarding going forward with the lease, and questioned whether sale of the property has been considered in lieu of a 50-year lease.

Mayor Tanner pointed out that a business is willing to construct a \$20 million building in the downtown area. Explaining that as part of the project, the City will retain 45 public parking spaces, which he noted will be covered parking.

*MOTION CARRIED.

Community Event:
Neighborhood Groups' Events
Liability Insurance

Referring to a prior Council suggestion that the City provide liability insurance to neighborhood groups holding annual events, Councilmember Keolker-Wheeler reported that these events cannot be covered under the City's insurance policy, however; neighborhood groups can buy their own liability insurance for \$150. Mayor Tanner said it may be possible for the City to reimburse neighborhood groups for the purchase of liability insurance. MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL REFER THE MATTER OF REIMBURSING NEIGHBORHOOD GROUPS FOR THE PURCHASE OF LIABILITY INSURANCE TO THE FINANCE COMMITTEE. CARRIED.

ORDINANCES AND RESOLUTIONS

Resolution #3467

Finance: Bad Debt Write-off

The following resolution was presented for reading and adoption:

A resolution was read authorizing signature for depositories and electronic fund transfers on behalf of and in the name of the City of Renton. MOVED BY SCHLITZER, SECONDED BY CORMAN, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinance was presented for first reading and referred to the Council meeting of 9/11/00 for second and final reading:

Franchise: Puget Sound Energy An ordinance was read granting unto Puget Sound Energy, Inc., a Washington Corporation, and its successors and assigns, the right, privilege, authority and franchise for 15 years, to construct, operate, set, erect, support, attach, connect, maintain, repair, replace, enlarge and use facilities for purposes of transmission, distribution and sale of electrical energy for power, heat, and light, in upon, over, under, along, across and through the franchise area; and to charge and collect tolls, rates and compensation for such energy and such uses. **MOVED BY KEOLKER-WHEELER, SECONDED BY SCHLITZER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 9/11/00. CARRIED.**

The following ordinances were presented for second and final reading and adoption.

Ordinance #4856

Planning: Aquifer Protection Ordinance

An ordinance was read amending Chapter 3, General Penalty, of Title I, (Administrative); Chapter 1, Administration and Enforcement, Chapter 2, Land Use Districts, Chapter 3, Environmental Regulations and Special Districts, Chapter 4, Property Development Standards, Chapter 5, Building and Fire Prevention Standards, Chapter 6, Street and Utility Standards, Chapter 7, Subdivision Regulations, Chapter 9, Procedures and Review Criteria, and Chapter 10, Nonconforming Structures, Uses and Lots, of Title IV (Development Regulations); Chapter 13, Public Dances and Dance Halls, of Title V (Finance and Business Regulations); Chapter 1, Garbage, of Title VIII (Health and Sanitation); Chapter 10, Street Excavations, Chapter 13, Trees and Shrubbery, and Chapter 15, Weeds and Noxious Matter, of Title IX (Public Ways and Property); of City Code by clarifying, reorganizing and restating penalties for violations of the City Code. **MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.**

Ordinance #4857

Planning: Office Uses & Hotel Uses in the Commercial Arterial Zones

An ordinance was read amending Sections 4-2-060.B, 4-2-060.F, and 4-2-070.P of Chapter 2, Land Use Districts, and Section 4-11-150 of Chapter 11, Definitions, of Title IV (Development Regulations) of City Code relating to permitted office uses and hotel uses in the Commercial Arterial Zones. **MOVED BY KEOLKER-WHEELER, SECONDED BY NELSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.**

NEW BUSINESS

Transportation: E Valley Hwy & Transit Center Projects Financing

MOVED BY PERSSON, SECONDED BY KEOLKER-WHEELER, COUNCIL REFER THE MATTER REGARDING FINANCING OF THE EAST VALLEY HIGHWAY AND TRANSIT CENTER PROJECTS TO THE FINANCE COMMITTEE. CARRIED.

Metro: Metro Transit Funding

Councilmember Keolker-Wheeler expressed concern that she had not been contracted before a letter was sent to the King County Council Chair on behalf of the Administration and City Council expressing support for initiating a ballot measure that proposes a sales tax increase to restore Metro transit service levels. She stated that she would like to have an open public discussion regarding the issue before taking a position.

Mayor Tanner said that his staff was able to contact every Councilmember with the exception of Councilmember Keolker-Wheeler who was unavailable. However, he stated that if the Council wishes him to rescind the letter, he will do so by writing another letter to the King County Executive.

Responding to Councilman Parker, Mayor Tanner affirmed that the issue is on

the Finance Committee's agenda. He pointed out that the King County Council was scheduled to meet on August 21st to make a determination as to whether or not the issue goes on the ballot and in what form.

Councilman Corman said that he was concerned that if the City did not express support for King County Council's proposal, the City may lose leverage in its efforts to restore Metro bus service.

Councilman Parker stated that he understood the urgency of the matter, and pointed out that the Finance Committee is the appropriate venue to hold a discussion whereby Committee members can be briefed by staff and then make a recommendation to the full Council.

Mayor Tanner stated that the intent of the letter is to inform King County Council Executive that the City supports his efforts to restore Metro bus service by proposing a sales tax increase but that the consideration of funding for Sound Transit and other projects is a separate issue and should not be linked to this ballot measure.

Councilmember Keolker-Wheeler stated that she would like to have the issue discussed at Committee of the Whole so as to inform the public of the different proposals that are being discussed at the County Council level.

Responding to Councilman Persson's comments, Mayor Tanner said that once the King County Council makes a decision, it is appropriate for the City Council to take a position in support or opposition to any ballot measure by means of a resolution.

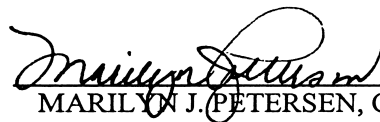
EXECUTIVE SESSION

MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL RECESS INTO EXECUTIVE SESSION FOR 25 MINUTES TO DISCUSS A PERSONNEL ISSUE. CARRIED. Time: 9:00 p.m.

The meeting was reconvened at 9:25 p.m.; roll was called; all Councilmembers present, except Clawson, previously excused.

ADJOURNMENT

MOVED BY NELSON, SECONDED BY PARKER, COUNCIL ADJOURN. CARRIED. Time: 9:26 p.m.



MARILYN J. PETERSEN, CMC, City Clerk